

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:09-CT-3187-D

SANDRA ETTERS, et al.,)
Plaintiffs,)
v.)
SECRETARY KIERNAN SHANAHAN,)
et al.,)
Defendants.)

ORDER

On February 6, 2013, Magistrate Judge Gates issued a Memorandum and Recommendation ("M&R") [D.E. 151, 153]. In that M&R, Judge Gates recommended that Etters be awarded \$100,000 in compensatory damages and \$100,000 in punitive damages, for a total damages award of \$200,000 from defendant Charlie Cortez Simms. No party filed objections to the M&R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis removed) (quotation omitted). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Id. (quotation omitted).

The court has reviewed the M&R [D.E. 151], the order correcting a typographical error in the M&R [D.E. 153], the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court accepts the M&R. Etters is awarded \$100,000 in compensatory damages and \$100,000 in punitive damages, for a total damages award of \$200,000 from defendant Charlie Cortez Simms.

SO ORDERED. This 4 day of March 2013.


JAMES C. DEVER III
Chief United States District Judge